

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 50-56, 58-64, and 66-68 are pending in the present application, Claims 57 and 65 having been canceled without prejudice or disclaimer, Claims 50, 51, 58, 59, and 61 having been amended, and Claims 66-68 having been added. Support for the present amendment is believed to be self-evident from the originally filed specification. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 57 and 65 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; Claims 50, 51, 56, 58, 59, and 64 were rejected under 35 U.S.C. §103(a) as unpatentable over Okada et al. (U.S. Patent No. 6,611,347, hereinafter Okada) in view of Matsuura et al. (U.S. Patent No. 6,930,796, hereinafter Matsuura); Claims 52, 53, 60, and 61 were rejected under 35 U.S.C. §103(a) as unpatentable over Okada in view of Matsuura, and further in view of Ishikura et al. (U.S. RE37,812, hereinafter Ishikura); Claims 54, 55, 62, and 63 were rejected under 35 U.S.C. §103(a) as unpatentable over Okada in view of Matsuura, and further in view of Ito (U.S. Patent No. 4,908,672); and Claims 57 and 65 were rejected under 35 U.S.C. §103(a) as unpatentable over Okada in view of Matsuura, and further in view of Tabata (U.S. Patent No. 5,448,346).

The rejection under 35 U.S.C. §112, first paragraph, is moot in view of the cancellation of Claims 57 and 65.

Applicant respectfully submit that amended Claim 50 patentably distinguishes over a proper combination of Okada and Matsuura. Amended Claim 50 recites, *inter alia*,

wherein the forming unit forms the image data on the substitute recording medium having a first size that is predetermined with respect to the recording medium size, without reduction by the reducing unit, when the different

sizes of the plurality of recording media accommodated in the plurality of supply parts do not include the recording medium size but include the first size, and

wherein the forming unit forms the image data on the substitute recording medium having a second size that is larger than the first size and is predetermined with respect to the recording medium size, without reduction by the reducing unit, when the different sizes of the plurality of recording media accommodated in the plurality of supply parts do not include the recording medium size nor the first size but include the second size.

A proper combination of Okada and Matsuura does not disclose at least these features of amended Claim 50.

Col. 9, lines 3-6 of Okada states “If the paper size designation 609 and the size of the paper cassette 108 actually mounted are different, print data is printed in an enlargement/reduction mode matching the size of the actually loaded sheet.” The enlargement/reduction of the data is further described at col. 12, lines 20-53 of Okada. The system of Okada merely uses the “actually loaded sheet” as a substitute recording medium. Okada does not describe having predetermined substitute recording medium sizes.

Okada does not disclose that the substitute recording medium has a first size that is predetermined with respect to the recording medium size, without reduction by the reducing unit. Okada also does not disclose, when the recording medium size and the substitute recording medium having the first size are unavailable, using a substitute recording medium having a second size that is larger than the first size and predetermined with respect to the recording medium size.

Col. 4, lines 37-46 of Matsuura describes forcibly printing on paper smaller than that which was designated. Matsuura does not disclose that the substitute recording medium has a first size that is predetermined with respect to the recording medium size, without reduction by the reducing unit. Matsuura also does not disclose, when the recording medium size and

the substitute recording medium having the first size are unavailable, using a substitute recording medium having a second size that is larger than the first size and predetermined with respect to the recording medium size.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 50 (and any claims dependent thereon) patentably distinguish over a proper combination of Okada and Matsuura. Claims 58, 66, 67, and 68 recite elements analogous to those of Claim 50. Thus, Applicants respectfully submit that amended Claims 58, 66, 67, and 68 (and any claims dependent thereon) patentably distinguish over a proper combination of Okada and Matsuura, for at least the reasons stated for Claim 50.

Ishikura, Tabata, and Ito do not cure the above-noted deficiencies in Okada and Matsuura.

Ishikura describes a process of setting the magnification by a user. Ishikura does not disclose that the substitute recording medium has a first size that is predetermined with respect to the recording medium size, without reduction by the reducing unit. Ishikura also does not disclose, when the recording medium size and the substitute recording medium having the first size are unavailable, using a substitute recording medium having a second size that is larger than the first size and predetermined with respect to the recording medium size.

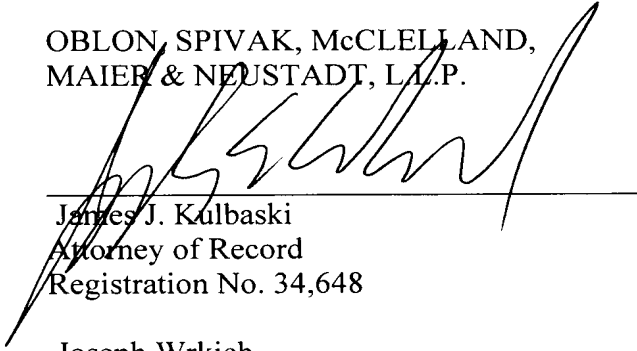
Tabata is relied upon to describe centering an image on a recording medium. Tabata does not disclose that the substitute recording medium has a first size that is predetermined with respect to the recording medium size, without reduction by the reducing unit. Tabata also does not disclose, when the recording medium size and the substitute recording medium having the first size are unavailable, using a substitute recording medium having a second size that is larger than the first size and predetermined with respect to the recording medium size.

Ito is relied upon to describe a copier machine that includes a paper size selection apparatus. Ito does not disclose that the substitute recording medium has a first size that is predetermined with respect to the recording medium size, without reduction by the reducing unit. Ito also does not disclose, when the recording medium size and the substitute recording medium having the first size are unavailable, using a substitute recording medium having a second size that is larger than the first size and predetermined with respect to the recording medium size.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 03/06)

Joseph Wrkich
Registration No. 53,796